

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

JUDICIAL WATCH, INC.,)
and TRUE THE VOTE,)
)
)
 Plaintiffs,) Case No. 1:12-cv-800-WTL-TAB
 v.)
)
)
J. BRADLEY KING, *et al.*)
)
)
 Defendants.)
)

CONSENT MOTION FOR EXTENSION OF TIME

Plaintiffs, by their attorneys, ask for a brief extension of time to August 29, 2012 to file their Response to Defendants' Motion to Dismiss (ECF No. 20). Defendants' counsel have given their consent to this extension of time. Pursuant to S.D. Ind. L.R. 6.1(d), counsel states as follows:

1. Defendants filed the Motion to Dismiss on August 2, 2012. Accordingly, pursuant to S.D. Ind. L.R. 7.1(b), the deadline for Plaintiffs to file their Response to the Motion would be August 16, 2012.
2. Undersigned counsel Paul Orfanelles and Chris Fedeli have unanticipated client obligations which necessitate this brief request. Mr. Orfanelles and Mr. Fedeli have been representing the sponsor of a referendum petition in litigation concerning placement of the Maryland legislature's 2011 Congressional Districting Plan on the November 2012 ballot for potential repeal by Maryland's voters (*Whitley v. Maryland State Board of Elections*, Circuit Court for Anne Arundel County, Case No. 02-C-12-171365).

3. In order to ensure the availability of appellate review prior to finalization of Maryland's November 2012 ballots, on August 3, 2012 the Circuit Court set an expedited schedule requiring briefing from all sides to be completed by August 9, 2012, with a hearing on August 10, 2012, in which Mr. Orfanedes argued on behalf of the petition sponsor. On August 7, 2012, in anticipation of an immediate appeal, the Maryland Court of Appeals set an expedited schedule requiring petitions for certiorari, oppositions, and all merits briefs to be submitted between August 13, 2012 and August 15, 2012, with oral argument to be held on August 16, 2012. The Circuit Court handed down its decision in favor of the referendum petition sponsor on August 10, 2012.

4. Given undersigned counsel's knowledge and familiarity with the issues and facts in both the instant case and in the Maryland dispute, it is not possible for either matter to be handled entirely by colleagues without prejudice to the interests of counsels' clients in both cases. Accordingly, good cause exists for this Motion.

5. On August 10, 2012, plaintiffs' counsel spoke by telephone with defendants' counsel, Jefferson Garn, concerning this request, and defendants' counsel gave its consent to a brief extension to August 29, 2012. Accordingly, this Motion is unopposed.

For the foregoing reasons, Plaintiffs respectfully request a brief extension of the current Response deadline of August 16, 2012 by thirteen days, to August 29, 2012.

Dated: August 13, 2012

Respectfully submitted,

/s/ Chris Fedeli
Paul J. Orfanedes
Chris Fedeli
Admitted Pro Hac Vice

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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of August, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to counsel of record by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ *Chris Fedeli*

Chris Fedeli